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Counsel for Buaite Againn, LLLP

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: §
JOHN HILBURN DAVIS, IV, § Case No. 21-10970-HCM
Debtor. § Chapter 7
§

NOTICE OF RULE 2004 EXAMINATION

Counsel for Buaite Againn, LLLP will examine the following person under oath, at the date, time, and location set forth herein. The examination is being conducted pursuant to Federal Rules of Bankruptcy Procedure 2004 and Local Rule 2004 and will be taken before an officer authorized to record the testimony. The scope of the examination shall be as described in Federal Rule of Bankruptcy Procedure 2004. Pursuant to Local Rule 2004(c), no order shall be necessary.

Examinee: Digital Brands Group, Inc.

Date: April 21, 2022

Time: 9:30 a.m.

Location: 405 Colorado Street, Suite 1700
Austin, Texas 78701

The list of topics upon which the Examinee must provide one or more witnesses (as outlined on the reverse of the subpoena to be served upon the Examinee) is attached hereto and is

located on the page for Examination Topics. The examination may continue from day to day until completed and the chapter 7 trustee, or other parties in interest, may attend and ask questions. If the Examinee receives this notice less than 14 days prior to the scheduled examination date, the examination will be rescheduled upon timely request to a mutually agreeable time. Pursuant to Local Rule 2004(b), any objection must be filed within seven (7) days of service of this notice.

REQUEST FOR PRODUCTION

The examinee shall produce those documents, records, and tangible things listed in **Exhibit A** attached to this notice on or before Noon on **April 13, 2022**, and may contact John D. Penn, Esq. at (214) 965-7734 or jpenn@perkinscoie.com to coordinate such production.

Dated: March 21, 2022

Respectfully submitted,

/s/ John D. Penn

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Counsel for Buaite Againn, LLLP

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, following inquiry to the attorney for the Debtor (who serves as the Chief Executive Officer of the proposed examinee), I communicated with the attorney who had been identified as the attorney for Digital Brands Group, Inc. by providing drafts of this Notice and the attachments hereto. The attorneys for the Debtor and the Chapter 7 Trustee were copied on the electronic mail message.

More than ten (10) days later, in response to a follow up message, the attorney replied that “While we are corporate/securities counsel to the company we are not representing the company in connection with this action.” That attorney copied counsel for the Debtor and Chapter 7 Trustee on his message. (Since the attorney did note that his firm was not representing the Examinee in this matter and did provide the same information to the attorneys for the Debtor and the Chapter 7 Trustee, his name and contact information are not included in this filing.)

A follow up message to the Debtor’s attorney did not provide a name of an attorney who would represent the Examinee with respect to this Rule 2004 Examination so Buaite Againn, LLLP is proceeding by notice and subpoena rather than by agreement.

/s/ John D. Penn

John D. Penn

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 21, 2022, a true and correct copy of the foregoing was served upon all parties authorized to receive notice in this case via the Court's Electronic Case Filing system, as well as personally, upon the entity listed below.

Service List

National Registered Agents, Inc., <i>as registered agent for</i> <i>Digital Brands Group, Inc.</i> 1999 Bryan Street, Suite 900 Dallas, Texas 75201	The personal service included this Notice, the attachments hereto and a subpoena issued pursuit to this Notice and Local Bankruptcy Rule 2004
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A copy of the foregoing was also mailed to the Debtor at the addresses noted on his voluntary petition by first class mail, postage prepaid:

John Hilburn Davis IV
205 Tellus Street
Lakeway, Texas 78734

John Hilburn Davis IV
1400 Lavaca Street
Austin, Texas 78701

/s/ John D. Penn

John D. Penn